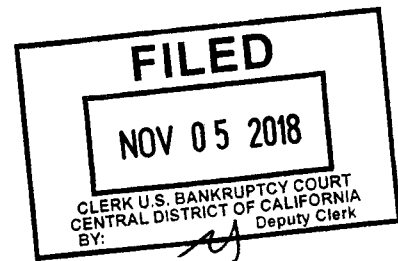


ORIGINAL



LARNITA PETTE
2588 El Camino Real, Suite F-195
Carlsbad, CA 92008

Telephone: (707) 853-2049

PLAINTIFF, PRO SE

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

| | |
|-------------------------|---|
| In re: |) Chapter 7 |
| RALPH E. SANDERS |) Case No.: 8:17-bk-10265-MW |
| Debtor |) Adv. No.: 8:17-ap-01068-MW |
| <hr/> | |
| Larnita Pette |) PLAINTIFF LARNITA PETTE'S DECLARATION AND REQUEST TO CONTINUE PRE-TRIAL CONFERENCE |
| Plaintiff |) |
| vs. |) |
| RALPH E. SANDERS |) Date: November 14, 2018 |
| |) Time: 9:00 a.m. |
| |) Place: Courtroom 6C |
| |) United States Bankruptcy Court |
| Defendant |) 411 West Fourth Street |
| |) Santa Ana, CA 92701 |

I, Larnita Pette, the Plaintiff ("Plaintiff") in this adversary procedure declare that I am over the age of 18 and am competent to testify to the forgoing facts from personal knowledge.

Ralph Sanders, the Defendant ("Defendant"), and I began our meet and confer email exchange on October 10, 2018 and we began exchanging our "Undisputed Facts"

1 and "Exhibits" until October 28, 2018. During this period, I updated the Defendant on any
2 medical issues I was experiencing. (Exhibit 1, emails).

3 A suspicious nodule was found on a follow-up ultra sound. I am scheduled to
4 undergo a biopsy this week. I have a follow-up visit scheduled with my oncologist next
5 week to review the biopsy results.

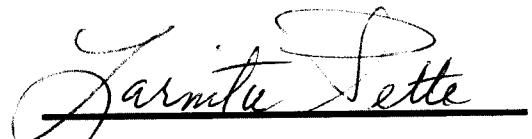
6 I was in the process of preparing the "Facts to be Litigated" section of the Pre-Trial
7 Stipulation and Order to exchange with the Defendant when I discovered that the
8 Defendant had unilaterally filed a Joint Status Report with Court on October 29, 2018.

9 After reviewing the Defendant's October 29th filing, I will be filing a Motion to
10 Exclude irrelevant evidence. It is my understanding that the Motion to Exclude must be
11 filed at the same time as the Pre-Trial Stipulation and Order.

12 Therefore, given the current uncertainty of the biopsy results plus the fact that I will
13 be filing a Motion to Exclude based on the Defendant's Unilateral Joint Status report filing,
14 I am asking the court for a 30 to 60-day continuance of the Pre-Trial Conference and to
15 grant an extension to file the Pre-Trial Stipulation, Order and Motion to Exclude.

16 I declare under penalty of perjury that the forgoing facts are true and correct.
17
18
19

20
21 DATED: November 5, 2018


Larnita Pette, in Pro Se

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

1508 AITA VISTA DR, VISTA, CA 92084

A true and correct copy of the foregoing document entitled (*specify*): Plaintiff Larnita Pette's Declaration And Request to Continue Pre-Trial Conference.

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 11/05/2018, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Ralph Sanders
1251 W. Bishop
Santa Ana, Ca 92703

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) 11/05/2018 I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Judge's Copy: Mark Wallace
411 West Fourth St
Santa Ana, Ca 92701

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

11/05/2018
Date

Kimberly Thatcher
Printed Name

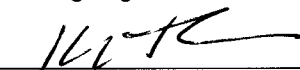

Signature

EXHIBIT 1



Larnita Pette <larnita.pette@gmail.com>

Pretrial Conference - Meet and Confer

4 messages

Larnita Pette <larnita.pette@gmail.com>

Wed, Oct 10, 2018 at 11:54 AM

To: ralph sanders <resanders16@yahoo.com>

Mr. Sanders,

Per the court's instructions, I would like to "Meet and Confer" with you regarding the pretrial conference and pretrial stipulation.

Having the "Meet and Confer" via a telephone call on Friday, October 13, 2018, at a time that is convenient for you, works best for me.

Let me know if this works for you.

Sincerely,

Larnita Pette
larnita.pette@gmail.com
(707) 853-2049

Larnita Pette <larnita.pette@gmail.com>

Wed, Oct 10, 2018 at 1:35 PM

To: ralph sanders <resanders16@yahoo.com>

Correction for Meet and Confer date is Friday, October 12, 2018...

[Quoted text hidden]

ralph sanders <resanders16@yahoo.com>

Wed, Oct 10, 2018 at 9:57 PM

Reply-To: ralph sanders <resanders16@yahoo.com>

To: Larnita Pette <larnita.pette@gmail.com>

Hello Ms Pette,

Sorry but not ready to talk this Friday on less than two day notice. I am preparing for cataract surgery this Monday the 15th. Saturday the 20th is much better for me.

Sincerely,

Ralph E Sanders

[Quoted text hidden]

Larnita Pette <larnita.pette@gmail.com>

Thu, Oct 11, 2018 at 11:17 AM

To: ralph sanders <resanders16@yahoo.com>

Mr. Sanders,

My purpose in talking to you tomorrow in a Meet and Confer conversation is for both of us to get a clear understanding of our obligations to each other and the court in preparation for the upcoming November pretrial conference. I don't expect the conversation to last more than 15 minutes, especially if we stick to a review of LBR 7016. However, those meet and confer obligations can be accomplished with this email.

I am also working under certain scheduling constraints this month due to the fact that my cancer treatment requires multiple doctors' appointments, follow-up diagnostic tests, infusion treatments and classes. Therefore, delaying the Meet and Confer to October 20, 2018 is not practical for me nor within the timelines provided by the statute.

If you still feel that a conversation tomorrow will interfere with your preparation for your cataract surgery, this email satisfies the statute obligation to Meet and Confer.

Based on your availability of October 20, 2018, my expectation is that on October 20, 2018 both of us should be prepared to state, exchange and finalize:

- Issues of Facts that remain to be litigated;
- Issues of Law that remain to be litigated;
- Exchange a list of and copies of exhibits intended to be offered at trial by each party;
- Exchange a list of witnesses to be called at trial, including witnesses addresses and a summary of their proposed testimony;
- Any anticipated motions.

The pretrial stipulation will be based on the outcome of our October 20, 2018 conversation.

If you have any questions, want to talk tomorrow, or at any time before October 20, 2018, send me an email. Again, this email constitutes our obligation to meet and confer. (LBR 7016.1)

Sincerely,

Larnita Pette
larnita.pette@gmail.com
(707) 853-2049

[Quoted text hidden]



Larnita Pette <larnita.pette@gmail.com>

meet and confer

2 messages

ralph sanders <resanders16@yahoo.com>

Thu, Oct 11, 2018 at 11:20 PM

Reply-To: ralph sanders <resanders16@yahoo.com>

To: larnita pette <larnita.pette@gmail.com>

Hello Ms. Pette,

Would it be possible for us to hold our 'Meet and Confer' requirements via emails. I feel it is much easier to understand each other vs a cell phone plus it holds each parties conduct accountable.

Respectfully,

Ralph E Sanders

Larnita Pette <larnita.pette@gmail.com>

Fri, Oct 12, 2018 at 11:46 AM

To: ralph sanders <resanders16@yahoo.com>

Mr. Sanders,

In the emails titled "Pretrial Conference - Meet and Confer" (attached), specifically the October 11, 2018 email, I took into consideration your objection to a telephonic meet and confer conversation on October 12, 2018. I stated that the email that..."having a clear understanding of our obligations to each other and the court in preparation for the upcoming November pretrial conference"... was the goal of the meet and confer.

Based on LBR 7016, I outlined those obligations in the October 11, 2018 email.

You stated that due to your preparation for cataract surgery on October 15, 2018, you would not be available to meet and confer until October 20, 2018. Because of your availability and the statute timelines, I stated that the October 11th email satisfied the obligations under the statute for a meet and confer and proceeded to outline the document production and information exchanges that both of us should be prepared to present to each other on October 20th.

I also stated in that if you had any questions between now and October 20th to send me an email.

If you object to the October 11th email (attached) satisfying our meet and confer obligation, please explain your objection. Otherwise, we are in agreement that the attached email constitutes our obligation to meet and confer.

Sincerely,

Larnita Pette

larnita.pette@gmail.com

(707) 853-2049

[Quoted text hidden]



Gmail - Pretrial Conference - Meet and Confer.pdf

50K



Larnita Pette <larnita.pette@gmail.com>

Fw: Scan from Staples

2 messages

ralph sanders <resanders16@yahoo.com>

Sun, Oct 21, 2018 at 9:23 PM

Reply-To: ralph sanders <resanders16@yahoo.com>

To: larnita pette <larnita.pette@gmail.com>

Hello Ms. Pette,

Today is the 21st. You stated on your email that you are referring to on 10/11 that , "my expectation is that on October 20, 2018 both of us should be prepared to state, exchange and finalize..."

The above attachment will have my information and will mail exhibits tomorrow.

When can I please expect your information Ms. Pette?

On Saturday, October 20, 2018 11:57 AM, Staples Business Center <Ccreg12@staplesbusinesscenter.com> wrote:

Scanned Document From Staples Store



Staples Scan.pdf

356K

Larnita Pette <larnita.pette@gmail.com>

Mon, Oct 22, 2018 at 4:22 PM

To: ralph sanders <resanders16@yahoo.com>

Mr. Sanders,

As I mentioned in a previous email, I am working around my doctors' appointments, diagnostic tests and imaging, and treatments. Due to some unexpected test results, I am a couple of days behind the schedule I had set for myself for this pretrial preparation. I had follow-up imaging done this morning.

I expect to have the preliminary pretrial documentation to you no later than tomorrow. I'm in the process of putting together the exhibits.

When you mail your exhibits, please email me the tracking number so that I can track the delivery.

Sincerely,

Larnita Pette
larnita.pette@gmail.com
(707) 853-2049

[Quoted text hidden]



Larnita Pette <larnita.pette@gmail.com>

Pretrial Stipulations (undisputed facts)

2 messages

Larnita Pette <larnita.pette@gmail.com>

Tue, Oct 23, 2018 at 11:51 PM

To: Ralph Sanders <resanders16@yahoo.com>


Mr. Sanders,

I've attached my list of undisputed facts, partial witness list and motions. I'm still numbering my exhibits. I want to send them to you via email.

Did you mail your exhibits to me yet? I want to be sure that I pick them up as soon as they are delivered. Email me the tracking number so that I can track the package

I had a doctor's appointment this morning. I have a treatment on Thursday and another doctor's appointment on Friday.

Larnita Pette
larnita.pette@gmail.com
(707) 853-2049

 **Pretrial Stipulation (undisputed facts).pdf**
65K

Larnita Pette <larnita.pette@gmail.com>

Fri, Oct 26, 2018 at 5:01 PM

To: ralph sanders <resanders16@yahoo.com>

Mr. Sanders,

Just an update...Exhibits should be emailed to you late tonight. I may need to email them in two batches.

Sincerely,

Larnita Pette
larnita.pette@gmail.com
(707) 853-2049

[Quoted text hidden]



Larnita Pette <larnita.pette@gmail.com>

Pretrial Conference Exhibits attached

Larnita Pette <larnita.pette@gmail.com>

Sun, Oct 28, 2018 at 9:28 AM

To: ralph sanders <resanders16@yahoo.com>

Mr. Sanders,

My pretrial exhibits are attached. I did not include the documents that I referred to in my list of "Undisputed Facts" because you have access to those documents and this file is large enough. I am working on the facts (surrounding your bankruptcy) to be litigated.

My doctors are scheduling more tests and I will be undergoing a biopsy in the very near future. I will keep you updated.

Sincerely,

Larnita Pette
larnita.pette@gmail.com
(707) 853-2049



8-17-ap-01068 Pretrial Exhibits.pdf
18364K